

tribes prior to the advent of their forced relocation to remote reservations, and that the proposed facility was already being used for a gaming purpose, so the impact on the local community would be relatively slight.

During the course of this discussion, Eckstein pointed to the Pequot and Sault Ste. Marie applications as examples of favorable DOI treatment to off-reservation requests. Babbitt expressed familiarity with both applications, distinguishing them from the Hudson case on their facts. He noted that the Pequot land was adjacent to the reservation, while the Hudson site was remote from all three tribes. In the Sault Ste. Marie case, Babbitt stressed the presence of local support for the proposed casino. Eckstein replied that the Pequot land may have been adjacent, but the local opposition was intense, while the local support in the Sault Ste. Marie case (like the local opposition in the Hudson case) had become predominant only over time. Eckstein also pointed out the favorable local resolutions, and the services contract with the local authorities that addressed some of the area impact. Finally, Eckstein recalls Babbitt's comment to the effect that perhaps there should be a higher standard of review in the case of off-reservation applications than on-reservation submissions, so as to avoid undermining IGRA through approval of strongly-opposed applications.

All of the foregoing information about this meeting derives from Eckstein's recollection, sometimes refreshed by reference to his case file and materials. Some elements of Eckstein's recollection are corroborated by contemporaneous statements he made to his colleagues in the applicants' group. By contrast, like most details of their communications on Hudson, Babbitt recalls very little of his dealings with Eckstein on May 17. What he does recall is that Eckstein